

09-29-03 12:06 From-Greenberg

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T-842 P.010/011 F-227

Serial No. 09/721,550

58027-010300

REMARKS

Applicant has considered the Office Action of June 16, 2003. Applicant has cancelled a rejected and objected claim cited by the Examiner in the Office Action and thus overcomes the rejection and objection. The specification has also been amended to incorporate a reference to the provisional application to which the present application claims priority. Applicant wishes to thank Examiner Foreman for the interview kindly granted on September 10th 2003.

Applicant's agent wishes to thank the Examiner for her informative and helpful discussions regarding the instant application and, in particular, discussions relating to the cited of Kurane *et al.* reference (US 6,495,326) and its priority dates.

The examiner has rejected under 35 U.S.C. 102 (e) claims 1, 4, 7, 10, 16, 17, 20, 23, 25, 29, 31, 32, 37, and 38 as being anticipated by Kurane *et al.* (US 6,495,326). The Examiner has also rejected under 35 U.S.C. 103 (a) claims 11-15, and 18 as being unpatentable over Kurane *et al.* (US 6,495,326) *et al.* in view of Fodor *et al.* (US 5,800,992). Claims 5-6, 34-35 and 40 were also rejected under 35 U.S.C. 103 (a) as being unpatentable over Kurane *et al.* (US 6,495,326) *et al.* in view of Hawkins (US 6,451,530). Applicant respectfully traverses all of the pending rejections.

In light of the discussions referenced above, the Kurane *et al.* reference is not a prior art document, as it is a divisional of a parent application filed in the U.S. on April 20, 2000, which claimed priority to a Japanese application filed in Japan on April 20th, 1999. According to Japanese patent law as presently understood and enforced at the time, such applications are published 18 months after filing, that is to say that the earliest publication, in Japanese, would have been October 20, 2000, well after the present application's priority date of November 24, 1999.

Furthermore, Fodor *et al.* (US 5,800,992) and Hawkins (US 6,451,530), alone or in combination, fail to teach or suggest the present application as presently claimed.

In light of this and the discussions held on September 10th, 2003 with Examiner Foreman, reconsideration and allowance of all of pending claims in view of the above amendments and preceding remarks is respectfully requested.

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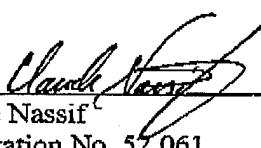
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In conclusion and in view of the above, it is submitted that this application is now in good order for allowance, and such early action is respectfully solicited. Should matters remain which the Examiner believes could be resolved in a telephone interview, the Examiner is requested to telephone the Applicant's undersigned agent.

The Commissioner is hereby authorized to charge any required fee in connection with the submission of this paper, or to credit any overpayment to Deposit Account No. 50-2638.

Respectfully submitted,

Date: September 29, 2003


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